

Lynn Tone

From: Scott Hohensee <hohenseescott@gmail.com>
Sent: Saturday, July 1, 2023 8:50 AM
To: Lynn Tone
Subject: EXTERNAL: Ordinance 84 replacement comments

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Tillamook County Commission
STR Comments
7/1/23

Erin Skaar
Mary Faith Bell
David Yamamoto

My wife and I decided to invest in Tillamook County after reviewing the rules regarding short term rentals (Ordinance 84) and locating a community that was designed specifically for vacation homes/STRs (Kiwanda Shores in Pacific City). We found Ordinance 84 to be a fair and thoughtful approach to managing STRs. The proposed replacement ordinance is divisive, burdensome and designed to make individual STR owners fail. The original ordinance made us feel we were partnered with the community. The revisions make us feel like we are at war with the county. Please reject the proposed ordinance in favor of the original and continue our partnership.

Regards,

Scott Hohensee

Lynn Tone

From: Public Comments
Sent: Monday, July 3, 2023 7:31 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: County regulation of short term rentals

From: topsoil_grip0i@icloud.com <topsoil_grip0i@icloud.com>
Sent: Saturday, July 1, 2023 3:35 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: County regulation of short term rentals

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Greetings, Tillamook county commissioners,

I'd like to make a comment about short term rental regulations that you are considering eminently for the county. I live in the urban growth boundary area of Rockaway Beach, where I pay a mortgage on the one house I own and permanently reside in.

I am very concerned about the recent appearance of a highly coordinated and well funded public response by the real estate industry and short term rental owners to limitations that you may place on the number/percentage of short term rentals and their license conveyance with property sales in county unincorporated areas. (See photos attached)

I sincerely hope you will not be swayed by this purposeful lobbying by those in the STR industry. This lobbying has generated a great deal of back-and-forth commentary on various community Facebook pages, filled with a great deal of misinformation and fear-mongering. The industry is clearly concerned that their limitless profitability might be curtailed if you place any limits on STR's are determined that they can no longer be perpetually associated with a property after its sale to another owner.

In response to industry lobbying, many ordinary residents have raised the key issue of the lack of available workforce housing in the county. There are complex reasons for this shortage, as you know, but foremost among them is the conversion of enormous numbers of former residences into profitable STR's catering to tourism during the past several years.

The crux of the issue turns on housing as a residency versus housing as a financial investment. Recent emphasis on the latter is an index of burgeoning inequality in our country, in which some people can afford to own more than one or many houses, and others increasingly have trouble finding even one place to call home, whether as a renter or an owner. This shift has depleted some of our towns of full-time residents and the emotional commitment they invest in our communities. Tourism is important to the economy, but when it leads to the displacement of locals residents in the face of the housing shortage, and turns our communities into winter ghost towns, we are in trouble.

The balance is out of whack. Please restore some sense of balance between residential properties and businesses, which is precisely what STR's are. Please come up with some mechanism for limiting the number or percentage of STR's in the county. Cities like Rockaway, whose largest portion of its budget comes from STR license fees, seem greedily intent on giving away to tourism most of their residential properties. Don't let this tendency overflow into the unincorporated areas.

Be sure too, to limit existing STR licenses beyond the sale of a home. Without this limit, property prices will continue to inflate well beyond a home's residential value. Just as new business owners occupying a former business's location would have to apply for a new business permit, new property owners hoping to continue as a short term rental should be expected to apply for a new rental license, and to wait their turn if necessary.

Thank you for your attention and your hard work on this complicated issue.

Sincerely,
Kristin Koptiuch
9670 Scenic View Drive
Rockaway Beach, OR 97136
Koptiuch@gmail.com

ADLIGHT HERALD 6-27-23

TELL THE

Keep

Open

The Tillamook County

the general



Rockaway Beach Community

Janell Dixon · 4d ·



SHORT-TERM RENTALS OPERATOR LICENSE FEES

CONGRATS TO KINGFISHER APARTMENTS IN
PACIFIC CITY FOR BEING AWARDED A
\$250,000 GRANT TO SUPPORT WORKFORCE
HOUSING FUNDED BY STRS

Like

Comment

Share
Rules

To: Tillamook Board of County Commissioners
Tillamook County Community Development
publiccomments@co.tillamook.or.us
mfbell@co.tillamook.or.us
dyamamoto@co.tillamook.or.us
eskaar@co.tillamook.or.us
sabsher@co.tillamook.or.us

From: Shelly Lefore
5395 Netarts-Oceanside Hwy
Short Term Rental Owner

Re: Support for all comments and legal concerns submitted by Oregon Coast Hosts

My name is Shelly Lefore and I am a Short Term Rental Owner. I am a Tillamook county voter. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

My family has owned this property since 1995. Our house is a generational property and we enjoy many family gatherings there and lots of memories of my husband's parents who built the home and are no longer with us. We are currently not in a position to live in the house full time and enjoy sharing our beautiful location with others.

These are my top 3 general concerns:

- Replacement of current permits with licenses
- Property owners cannot lose property rights solely based on conduct of someone else.
- No evidence to support restrictive new regulations - only 9 violations in 4+ years

These are my top 3 operational specific concerns:

- 24/7 Contact Person - The immediate response requirement is unreasonable; even first-responders (Fire, Sheriff and Ambulance) cannot respond that quickly every time. \$100 charge to change contact person will discourage frequent changes, which are necessary due to 24/7 requirements. An online registration which allows owners or property managers to login and update the contact person in real time is an ideal solution that can be integrated with Granicus.
- Exterior Signs - Requiring expiration dates on exterior signage is wasteful as it will necessitate new signage annually, may violate HOA rules, may invite vandalism and trespassing, especially in places where the home is not visible at all from the public right of way.
- Revocation for 3 or more verified violations of ANY local ordinance, state or federal regulation within a 12-month period

I support fair and balanced STR regulations. Balancing the historic seasonal home ownership of our community with property rights and livability can be done with evidence-based regulations and enforcement. To truly impact livability, the rules regarding top nuisance concerns need to apply equally to all homeowners and residents.

Sincerely,

Shelly Lefore

Lynn Tone

From: Public Comments
Sent: Monday, July 3, 2023 7:32 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Comments regarding replacement of Ordinance 84

From: Scott Hohensee <hohenseescott@gmail.com>
Sent: Saturday, July 1, 2023 8:48 AM
To: Public Comments <publiccomments@co.tillamook.or.us>; ltone@tillamook.or.us
Subject: EXTERNAL: Comments regarding replacement of Ordinance 84

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Tillamook County Commission
STR Comments
7/1/23

Erin Skaar
Mary Faith Bell
David Yamamoto

My wife and I decided to invest in Tillamook County after reviewing the rules regarding short term rentals (Ordinance 84) and locating a community that was designed specifically for vacation homes/STRs (Kiwanda Shores in Pacific City). We found Ordinance 84 to be a fair and thoughtful approach to managing STRs. The proposed replacement ordinance is divisive, burdensome and designed to make individual STR owners fail. The original ordinance made us feel we were partnered with the community. The revisions make us feel like we are at war with the county. Please reject the proposed ordinance in favor of the original and continue our partnership.

Regards,

Scott Hohensee

Ira M. Levin, Ph.D.
49985 Seasand Road
Neskowin, OR 97149
levinconsultnggroup@comcast.net

July 1, 2023

Ms. Sarah Absher, CFM Director
Tillamook County Department of Community Development
1501-B Third Street
Tillamook, OR 97141

Dear Director Absher:

Please accept this letter as my public comments regarding the latest draft of the amended Tillamook County Short Term Rental (STR) Ordinance published June 29, 2023 and to be discussed by the Board of Commissioners at their July 6 meeting.

My family and I have owned our property on Seasand Road for over 20 years. During that time, we have witnessed first-hand the expanded development of our small coastal community and witnessed increased numbers of short-term renter vacationers. On Surf Road leading to our property on Seasand now 60% of the properties have been converted into multiple family STRs. As I expressed in prior commentary during this process, my experience has been that owners of short-term rentals have not consistently taken responsibility for ensuring their renters abide by simple rules of decent conduct such as cleaning up the beach areas they use, protecting the fragile local ecosystem, and avoiding becoming a public nuisance late in the evening. This holiday weekend it is those occupying the STRs who are shooting off fireworks late at night that presents not only a noise disturbance, but a fire danger.

In any case, I would like to provide my appreciation and full support for your work and that of the other Commissioners in fashioning this latest revised ordinance draft. I find it to be a marked improvement over earlier versions. For example, adding back in the density/distance requirement is a worthy revision. Although, not including unincorporated areas in this requirement, especially those including beach properties is a notable oversight. I sincerely hope this will be revisited in the future.

Yet, I commend you and the other Commissioners for tackling this contentious issue with fortitude. I believe this latest version has balanced the diverse and somewhat competing interests of the property owners in our community. While I would have liked to see this revised ordinance go further in restricting the proliferation and expansion of short-term rentals and established stronger, substantive accountabilities for STR owners requiring them to manage

more effectively the behavior of their renters, I do believe it has moved significantly in the right direction and I offer my full support for it. Future issues we will need to address include enforcement mechanisms and how to ensure our current infra-structure is not overly taxed by demands placed on it by the increase numbers of short-term renters.

Sincerely,

Ira M. Levi

Jim Bartels
13390 SW River Rd
Hillsboro OR. 97123
Bartels.jim@gmail.com
503.314.6557

July 4, 2023

Tillamook County Commissioners

RE: Short term rental ordinance

These comments relate to the STR draft ordinance to be discussed at the July 6, 2023 public hearing. As noted often before, my wife and I have owned a house at 7250 Saghalee, Pacific City, for over 20 years. These are in addition to my previous comments.

1. In an effort to improve transparency and confidence in the enforcement process, add to the ordinance that all complaints and reports of violations of the STR rules, the address of the subject STR, the resolution of the complaints or violations, and a brief explanation, must be made public on the Community Development website, and be readily searchable. This would give incentive to the department to actually enforce the rules, give incentive to STR owners and managers to police themselves, and give confidence to affected property owners that the rules mean something, and will be enforced rather than serving as mere window dressing.
2. Bring STR rental managers under the ordinance's rules. They benefit from the STRs, and should be subject to the rules for STRs, and to the penalties (including the loss of the privilege of managing STRs in Tillamook County) if they fail to keep the properties they manage in compliance with the rules.
3. Delete the words "if relevant " from .100B3 (Record of Response to Complaints). The phrase "if relevant" is undefined, and an invitation to endless disagreements. Just require all complaints and responses to be recorded.
4. 4. The "notice" to neighbors required before a license may be given for a STR is better than nothing, but still very inadequate. See my multiple previous comments about this.

Thank you.

Jim Bartels

Lynn Tone

From: Karen Babbitt <wcgarden@gmail.com>
Sent: Thursday, June 29, 2023 8:36 PM
To: Lynn Tone
Subject: EXTERNAL: STR Comment

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Sarah
Commissioners Skaar, Bell and Yamamoto

My name is Karen Babbitt, I was a member of the Tillamook County STR Committee. I represented North County. I started this process trying to be impartial and to understand both sides of the STR dilemma. However, a majority of the people on the committee had STR interests. Sometimes I was the only one voting for the interests of my community.

- 1) lower occupancy in STRs (bedrooms vs sleeping areas)
- 2) less on street parking (none vs 2)
- 3) non-transferability of STRs (why should STR owners have this privilege)
- 4) caps on the growth of STRs (enough should be enough for the county to realize gains in income)
- 5) combined nuisances of noise, garbage, loose dogs, trespassing on private property ... gets old
- 6) concerns for infrastructure usage (roads, water, emergency response) we need financial help with these MAINLY... People inserting their property rights, as second home owners, most of those living in primary homes located in neighborhoods with limitations on STRs, over those living in primary beach residents. (Sorry for run-on sentence).

We have enjoyed STRs, until their numbers have increased along with their demands. Form letters from OCH, plus litigation threats.

We are losing the fabric of our communities by increased property costs (investors can pay more and then demand they can't afford their mortgages), fewer affordable rents, fewer workers, fewer volunteers, fewer neighbors...you can understand this impact.

Please consider us permanent residents in your decisions!

With respect,
Karen Babbitt

Sent from my iPhone

Lynn Tone

From: Public Comments
Sent: Friday, June 30, 2023 7:51 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: public comment again

From: Nicole Ralston <nicoleralston@gmail.com>
Sent: Thursday, June 29, 2023 4:32 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: public comment again

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Tillamook County & Board of Commissioners & Sarah Absher,

I urge you to please listen to your May, 2022 discussion about the "pause" again, and consider how sure you were that this pause would be over within 6 months. Now you are extending it!

You cannot understand how disappointing and financially harmful the past meeting was. We bought our lot in March 2022 and immediately began building. We have already been barely holding on financially without being able to rent our home out, which was finished in December, 2022. Now you are going to extend the pause 60 more days, which pushes us out to September 1 being able to get a permit at the very minimum, while we have been just waiting for July 3. Please listen to that May, 2022 meeting and listen for when you told us we would certainly be able to apply for a permit on July 1, 2023.

We're now on a special "waiting list", which we appreciate, but it's unclear what exactly that means?

If you listen to your May 22, 2022 board meeting, which I highly encourage you to, you will notice your statements about how there is no way this pause would go on this long, and now you are extending it 60 days? Without allowing us a permit? Please listen to Dan Kearns - he stated that those who were in construction should be allowed a permit now. It's hard to believe I'm saying to listen to Dan Kearns, but he's right!

I don't think you understand how much harm you have done to us. You say you don't want to drag this out, but you keep dragging it out.

We clearly should be included in #11 - those that were in escrow at July 1, 2022. We are clearly in that component. Why do you keep intentionally harming us?

Please reconsider.
Nicole Ralston

Lynn Tone

From: Public Comments
Sent: Friday, June 30, 2023 7:51 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Public Comments: STRs & Oregon Coast Hosts as part of the public hearings process Public Hearing #3 - Thursday, July 6

From: Nick Argenti <netartssandcastle@gmail.com>
Sent: Thursday, June 29, 2023 11:10 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Public Comments: STRs & Oregon Coast Hosts as part of the public hearings process Public Hearing #3 - Thursday, July 6

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Dear Tillamook Board of County Commissioners,

We hope you and your families are doing well. We wanted to provide some inputs for the public hearings process to include who we are and thoughts about the opportunity we all have to make Tillamook and the surrounding area an even better place to call home and further enable benefits enabled by STR's/tourism.

- Who we are: We are a solar/sustainability engineer and a nurse/nursing educator/department chair who have dedicated their careers to helping people, creating innovations that help the world and share our vacation rental with guests that further enhances the community and make the Tillamook area an even better place for everyone to enjoy! We are caring individuals who own, use/enjoy and rent our properties. We are not commercial real estate people but individuals who are a part of the community and give back to the community. We take great care in making our vacation property a place for travelers to create memories that will last a lifetime.

We also have strict rules in place so travelers do not negatively impact the community but truly bring an abundance of benefits to the community, such as the local/state revenue through lodging taxes/fees, supporting a variety of local businesses such as restaurants, stores, gas stations and so many more resulting in the employment and financial benefits to these businesses, cleaners, maintenance personnel, contractors/builders, Tillamook County employees and so much more which in turn enhances the community. Imagine a scenario with no STR's or substantially reduced STR's and what Tillamook's tax revenue would be and how it would negatively impact the spectrum of local jobs, the economic impact on the community and local residents.

There are also other upcoming challenges that the county and community are faced with such as the FEMA national flood insurance plan that could result in financial headwinds to the county itself and the entire community (reference https://www.tillamookheadlightherald.com/news/proposed-fema-flood-insurance-updates-met-with-harsh-criticism/article_e1ca1c5e-d55f-11ed-a6b2-b393536ada70.html). The financial benefits enabled by STR's can help weather unique opportunities like the FEMA activity but equally important enable continuous improvement in the quality of life for the entire community.

- Similar to what other STR owners have shared, we are in favor of enhanced enforcement, permit transferability and no arbitrary limits. Also, being able to transfer the STR permit should not be restricted in any way as it is tied to

land use rights. In addition there should be no limit on the number of nights rented, no proximity/distance limits, no percentage caps and no change in occupancy limits. Additionally, while noise, parking and other rules for STR certainly make sense, it also seems to make sense that everyone within the community should comply with similar rules and be held accountable. After all, we want everyone to be able to peaceably and safely enjoy where they are staying, whether they are a resident or visitor. With this in mind, it seems like equitable rules need to be applied.

- For our STR, we hire local (not commercial out of area) people to do maintenance, cleaning, landscaping, a variety of subs and contractors for electrical/plumbing/HVAC, appliances, furniture and so much more. Hiring local individuals is instrumental in benefiting their families and directly enhances the community.
- We ensure guests do not negatively impact the area, comply with local ordinances and in fact they enhance the community with their presence, bringing a variety of cultures, supporting local businesses and tax revenue and are a joy to be with! What we do to ensure no negative impact to nearby neighbors and the community:
 - We have clearly defined rental agreements that ensure guests know and comply with the rules
 - We post clear rules within the house
 - We send an email and communicate with the guests just prior to check-in to ensure compliance
 - We also are able to monitor the number of vehicles parked at the property
 - We also have a security deposit that also reinforces following the rules, including if the guests were to disturb neighbors or have more than the allowed number of vehicles
 - We are available if there's ever a situation where we need to contact the guest
- Instead of deterring or limiting STRs, it is our belief that Tillamook County should take on an even more supportive role for STR's and see how they can help out the property owners with advertising and coming up with creative ways to enable even higher occupancy rates as this directly feeds back into Tillamook's economy/revenue stream and positively impacts the community. This is already happening to an extent but we believe there are even more ways where we can collaboratively work together to further enhance this vital asset for Tillamook's growth and community improvements, ultimately benefiting everyone who lives full time or visits the area. This is also consistent with what Tillamook published in <https://tillamookcoast.com/wp-content/uploads/2016/03/Tillamook-County-Tourism-2025-Plan-Sept-2014-1.pdf> stating "Tourism has the potential to further diversify the Tillamook County economy and provide important benefits for residents, businesses and visitors. It aims to establish a high quality visitor economy that results in maximum benefits to residents, the environment and visitors. Tourism 2025 draws on months of consultation with hundreds of residents, partners and stakeholders."

On a closing note, if you drive or walk through downtown Tillamook and other towns within Tillamook County, you can visually see how many vacant/distressed buildings/businesses there are, how long they have been on the market/vacant and that we have a long way to go to get our community and downtown where it needs to be. Each week it seems like more businesses continue to reduce their hours and more buildings become vacant which is headed in the wrong direction. We have the basic building blocks and are making progress but we need to encourage and support STR GROWTH to help enable a community where businesses and local residents can thrive. As a personal recent datapoint, we have seen a **35% decrease in revenue in Q1-2023 when compared to Q1-2022**. We know others are seeing similar trends which ultimately impacts the bottom line for TLT funds that go towards critical programs but the lower revenue also means reduced capital to feed back into the community to local businesses (repairs, appliances, cleaners, restaurants, banks, furniture, supplies, groceries and so much more). It's a strong signal that we all need to work together to enhance STR growth which feeds back to the community.

You can see the writing on the wall already with reduced revenue streams, high inflation, and if the county adopts measures that reduce STR revenue growth, this will further reduce the benefits to the community and ultimately

result in layoffs with local businesses, county employees and overall economic distress to the community. You already hear about the layoffs occurring in nearby communities, sheriff/law enforcement, and it's just beginning:

- <https://www.oregonlive.com/silicon-forest/2023/05/intel-plans-fresh-round-of-layoffs-other-cost-cuts.html>
- <https://www.koin.com/local/washington-county/beaverton-facing-10m-shortfall-considers-job-cuts/>

We need to support STR's instead of trying to deter this valuable asset. This IS Tillamook County's nugget of gold. The coastal community is so fortunate to have this valuable asset. Do not make mistakes that later need to be unwound. The community cannot afford this. Again, take a walk throughout Tillamook. There are improvements to celebrate but there are so many vacant buildings and businesses that are barely hanging on.

In a world of record high inflation and pressures of a looming recession, it's so important for communities to have a roadmap for continuous economic growth. The leaders in Tillamook County have the opportunity to be hero's in building a vibrant community but it takes courage, foresight, diligence and the ability to fast forward to seeing that what the county is considering will lead to further economic depression throughout Tillamook County. We have the opportunity to make the right changes that help our community. Use the data to help make these wise decisions. Remember, we are all a team with the same mission to make our community and world an even better place!

Thank you,
Nick & Lynn

Lynn Tone

From: Public Comments
Sent: Wednesday, July 5, 2023 11:27 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: July 6 STR Ord 84 hearing: Object to proposed use it or lose it provision-Augusta Rule Hosts

From: Leslie Kay <leskayvida@gmail.com>
Sent: Wednesday, July 5, 2023 11:00 AM
To: Public Comments <publiccomments@co.tillamook.or.us>; Lynn Tone <ltone@co.tillamook.or.us>; dan@reevekearns.com; David Yamamoto <dyamamoto@co.tillamook.or.us>; Erin Skaar <eskaar@co.tillamook.or.us>; Mary Faith Bell <mfbell@co.tillamook.or.us>; Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: July 6 STR Ord 84 hearing: Object to proposed use it or lose it provision-Augusta Rule Hosts

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Dear Commissioners Yamamoto, Skaar, Bell and County Counsel Kearns,

We would like to register our objection to the proposed requirement that STR owners rent their property for 30 days per year to maintain their existing permit. This proposed requirement adversely affects homeowners like ourselves who rent no more than 14 days per year in compliance with the so called Federal "Augusta rule".

The rule is contained in the federal Internal Revenue Code at 26 USC 280A (g). The rule allows homeowners to rent out their home for up to 14 days per year without needing to report the rental income on their individual tax return. Correspondingly, no deductions for business expenses are permitted under this tax treatment of revenue from a short term rental. This subgroup of short term rental hosts are not operating their homes as a business but as very occasional short term rentals no more than 14 days per year. (1).

My husband and I have maintained a Tillamook County STR permit for several years paying the permit and operator fees and Tillamook County lodging taxes as required but have opted to rent our home for no more than 14 days per year to comply with Federal tax law. We urge the commissioners to reconsider this proposed 30 day durational rule to be consistent with federal tax law.

We would also like to see a compromise reached regarding the 30 day "use it or lose it" provision and other colorable legal issues raised by existing permit holders to avoid costly litigation related to the future impact of the proposed changes on preexisting rights. Please consider focusing on the aggregate occupancy days and not on the number of existing permits per se as a path forward.

The caps on future permits and other proposed measures to address livability concerns seem to otherwise strike a balance between competing interests. We appreciate how challenging the issues are and appreciate the work so many people have put into the effort to move this forward.

Sincerely,

Leslie Kay

Bob Joondeph
PO Box 253
Oceanside, OR 97134

26 USC 280A(g) (Augusta Rule)

1. Notwithstanding any other provision of this section or section 183, if a dwelling unit is used during the taxable year by the taxpayer as a residence and such dwelling unit is actually rented for less than 15 days during the taxable year, then—

280A(g)(1)

No deduction otherwise allowable under this chapter because of the rental use of such dwelling unit shall be allowed, and

280A(g)(2)

The income derived from such use for the taxable year shall not be included in the gross income of such taxpayer under section 61.

Lynn Tone

From: Daniel Hendrix <911.dan@sbcglobal.net>
Sent: Wednesday, July 5, 2023 1:06 PM
To: Public Comments
Cc: Sarah Absher; Lynn Tone; Erin Skaar; David Yamamoto; Mary Faith Bell
Subject: EXTERNAL: Ref ordinance 84, section .080, sub section M, page 18, Solid Waste Collection - minimum service requirements dated June 29, 2023.

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Requiring STR owners to pay for weekly garbage service should not be a requirement.

In Oceanside, City Sanitary provides an On Call service for garbage pickup at \$14.70 per can. Their requirement is to call for this service by Noon on the Monday prior to the pick up on the following Tuesday. We have been using this service ever since we purchased our home in 2019.

As an STR owner our home is not always occupied by us or a renter EVERY single week! There are many weeks our garbage cans are empty.

Requiring us to have and pay for this service whether we have garbage or not is discriminatory. Are all Oceanside home owners required to have this service? Even the homeowners who are not STR owners? I am aware of some Oceanside homeowners who are not always at their homes but when they are, they take their garbage with them when they leave. We've done the same. Focusing on STR owners only is to discriminate against STR owners and to cause them to suffer a negative financial impact.

If you require STR owners in Oceanside to have this service then every week you may be requiring us to pay \$14.70 to collect an empty can. \$14.70 week after week after week for an EMPTY CAN! That's a minimum of \$765.00 a year! Does this really make any sense to you?

Your requirement should be that if the home is occupied by either the homeowner or an STR renter then the STR owner should make arrangements, such as contacting City Sanitary for Oceanside, to have accumulated garbage properly removed.

This current requirement is absurd!

Sincerely,

Dan & Cathy Hendrix - Oceanside

Lynn Tone

From: Public Comments
Sent: Wednesday, July 5, 2023 2:05 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

From: Mock, Mandy J <mandy.j.mock@intel.com>
Sent: Wednesday, July 5, 2023 12:34 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Cc: MANDY.J.MOCK@GMAIL.COM
Subject: EXTERNAL: Support for STRs

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi,

We saw new language has been added to the draft STR ordinance to limit permits to one per owner. We'd like to ask you to reconsider this. In looking at the actual permits issued in Tillamook County, most by far are already single permits. There are only 73 owners who have 2-5 permits, and most of those are for residences that are duplexes or tri-plexes.

SINGLE PERMITS	2 PERMITS	3 PERMITS	4 PERMITS
1,032 owners	50 owners	18 owners	2 owners
93% owners	5% owners	2% owners	.2% owners

There seems to be a misperception that large corporations are coming in and buying up homes to rent, but as the data shows, this is clearly not the case.

I am writing this because we are the owners of a tri-plex in Oceanside. This home was built in the 1950s and we purchased it as an existing tri-plex. We purposely chose it because we have a large extended family and it offers the convenience of togetherness for the full family as well as privacy by being able to separate into the 3 units. We want to offer the same convenience to other families staying at the coast as well.

I ask you to please reconsider the one license limit and allow families who have multi-unit homes at the coast to be able to obtain licenses for all of the parts of their homes. It seems like it would be easy to set the limit at a higher number, for example 5 permits, in order to allow the families who have multiple units to continue to be able to fully use them, while still preventing any potential for large corporations to come in.

Thank you,
Mandy Mock

Lynn Tone

From: John Meyer <jkm@caretrust.us>
Sent: Wednesday, July 5, 2023 2:10 PM
To: Lynn Tone; Public Comments
Cc: Hillary Gibson; Karen Babbitt
Subject: EXTERNAL: Support for STRs

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[Sent Via Email - latone@co.tillamook.or.us; publiccomments@co.tillamook.or.us](mailto:latone@co.tillamook.or.us)

July 5, 2023

Dear Tillamook County Board of Commissioners

Regarding the July 6, 2023, hearing on the latest (June 29 draft Ordinance 84, from Sarah Absher) we have the following observations.

1. The legal issues raised by Tonkon Torp/Heater Brann in their June 29, 2023 letter to the Tillamook County Board of Commissioners are serious and the recommendations should be included in the draft ordinance. This process started as a community wide effort to draft updated STR regulations, but that process was derailed when Daniel Kearns, a known anti-STR advocate lawyer, was hired by the County to act as special counsel to draft revisions to the STR Ordinance, revisions clearly intended to strip vacation rental owners of property rights. That process created a great deal of distrust and has led to draft revisions which are replete with an anti-STR bias. This was completely unnecessary, uncalled for, and should be corrected. Legal actions necessitated by and resulting from Mr. Kearns' extreme positions will be very costly and will unnecessarily divide our community and distract all parties from enabling us to move to a better community. We suggest you direct Mr. Kearns to meet with the Tonkon Torp/Brann experts and craft an ordinance that is neutral and protects existing property rights.
2. Many, many hundreds if not thousands of stakeholders and members of the business community have expressed to you in cogent and simple language that there are practical implementation problems with the most recent draft language. We share those concerns, and believe the current draft document still contains language that is excessive and counter-productive. We share all the concerns that have been expressed, and in particular, we favor reducing the profile of commercial signs that will be placed throughout our communities. We also favor adding "night sky" guidelines to the "Good Neighbor Policies" and improved attention to emergency evacuation protocols in our coastal areas.
3. We respectfully request the derogatory language in the draft ordinance related to vacation rental properties be removed. A particularly egregious example: Para .020 (B) "...the County finds that the transient rental of dwelling units has the potential to be incompatible with the residential neighborhoods in which they are situated and to have a damaging impact on the livability of those neighborhoods." The data simply does not support this gross mischaracterization of our communities. You have received numerous public submissions indicating that the negative impacts of vacation rentals are few and far between, and instead that they have a long and positive history on the Oregon coast that has made a vibrant and significant economic contribution to our communities.

Sincerely,

John and Maria Meyer
8015 Neahkahnie Rd
Nehalem, OR

Lynn Tone

From: LAURIE KOVACK <lkovack@mac.com>
Sent: Wednesday, July 5, 2023 2:54 PM
To: Public Comments
Cc: Erin Skaar; Mary Faith Bell; David Yamamoto; Sarah Absher; Lynn Tone
Subject: EXTERNAL: Goal 5 page 2 of the Proposed Ordinance 84 Update

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Chair Skaar, Vice-Chair Bell, Commissioner Yamamoto, Director Absher

I support the proposed Ordinance 84 revisions, but more needs to be done to address the concentration of Short Term Rentals within the designated communities in the unincorporated areas of the county which are currently experiencing the greatest impact.

Goal 5 on Page 2 of the proposed ordinance states: Protect the character of the County's established neighborhoods by limiting the number, concentration, and scale of full-time short-term rentals in residential neighborhoods.

My preference would be to have the concentration regulations you have proposed for the areas outside the Subareas on Exhibit A be implemented for all unincorporated areas of the county. (Page 9 Section D .040 Section E Density Limits) This would establish clarity throughout the county.

If you decide not to implement the same standard for all unincorporated areas, I request that a concentration standard for the Unincorporated Communities listed in Exhibit A be established to correlate with the percentage cap implemented for Short Term Rentals in each community.

Since existing Short Term Rental licenses will remain in place, it will take time for concentration regulations to make a change in some areas, but will have an immediate positive impact in others.

Every community will have particular concentration exceptions to discuss where short term rentals were part of the original development, examples are Kiwanda Shores in Pacific City, and Pacific Sands in Neskowin.

In areas of single family homes intended for residential use, straightforward concentration regulations regarding the eligible locations of NEW Short Term Rental permits can be implemented.

A couple of possible approaches would be to have eligible locations determined by the percentage of Short Term Rentals on a street, or within a certain distance radius of a proposed new Short Term Rental property.

Please include a concentration standard in the ordinance for the Communities listed on Exhibit A that will be refined through community process over the coming months.

Laurie Kovack
Homeowner, Neskowin
503-880-8989

Lynn Tone

From: Public Comments
Sent: Wednesday, July 5, 2023 4:03 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

From: Pam Zielinski <pzielinski@bhhsnw.com>
Sent: Wednesday, July 5, 2023 3:40 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs

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As a REALTOR and a member of the Short Term Advisory Committee I am once again urging the Commissioners to please stop the effort to take away the STR Permits my clients and past clients have relied upon.

Please do not implement the proposed density caps and radius limits which can in no way be fairly administered.

Please take the time to notify all affected parties of your intent to apply stricter rules for operating STRs and allow them to provide you with specific feedback about how your proposed rules will affect their lives.

Please listen to the advice of the STR Advisory Committee and do your homework before taking action to throttle the long-standing system which will damage hundreds, if not thousands of Tillamook County property owners, business owners, and certainly visitors.

Pam Zielinski, Principal Broker
Berkshire Hathaway Home Services
Northwest Real Estate
Desk: 503-906-4903
Cell: 503-880-8034

Lynn Tone

From: Public Comments
Sent: Wednesday, July 5, 2023 4:16 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: STR Comments

From: Anna Bananna <ajcolaric@aol.com>
Sent: Wednesday, July 5, 2023 4:03 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: STR Comments

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

To: Tillamook Board of County Commissioners
Tillamook County Community Development
publiccomments@co.tillamook.or.us
mfbell@co.tillamook.or.us
dyamamoto@co.tillamook.or.us
eskaar@co.tillamook.or.us
sabsher@co.tillamook.or.us

From: Anna Colaric
1280 Pearl Street West, Netarts
Short Term Rental Owner

Re: Support for all comments and legal concerns submitted by Oregon Coast Hosts

My name is Anna Colaric and I am a Short Term Rental Owner. Many of these issues were raised at the last hearing and in hundreds of public comments, but the new draft does not address them. As written, if this draft proceeds to a vote and is approved, then there may be litigation.

My family has owned this property since 2015. Our home is only 2 miles from my Mother, who is over 90. Renting our home when our kids aren't visiting, makes it possible to spend more time with Mom and help cover the costs of owning a second home..

These are my top 3 general concerns:

- Any classification of STRs as commercial or business use is not accurate - STRs are residential use.
- Replacement of current permits with licenses
- No evidence to support restrictive new regulations - only 9 violations in 4+ years

These are my top 3 operational specific concerns:

- Noise: Tillamook County needs a noise ordinance. Prohibiting "other noise" during quiet hours beyond property boundaries is unreasonable and inequitably punitive. Examples: AC unit running, car pulling into a driveway, a guest sneezing, a baby crying, etc. Reasonable decibel guidelines are needed so that the regulations are clear and fair.

- Revocation for 3 or more verified violations of ANY local ordinance, state or federal regulation within a 12-month period
- Provision is needed to protect STRs from harassment via unfounded complaints.

I support fair and balanced STR regulations. Balancing the historic seasonal home ownership of our community with property rights and livability can be done with evidence-based regulations and enforcement. To truly impact livability, the rules regarding top nuisance concerns need to apply equally to all homeowners and residents.

Sincerely,

Anna Colaric

Lynn Tone

From: ROY ZURBRUGG <shark109@comcast.net>
Sent: Wednesday, July 5, 2023 5:18 PM
To: Lynn Tone
Subject: EXTERNAL: str use it or lose it

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I would like to talk to the council about the use it or lose it part of the proposed ordinance. This concerns the time used to remodel the building. Building address is 26355 Geneva Ave NeDonna Beach



July 4, 2023

Tillamook County Board of Commissioners,

Thank you for the opportunity to provide comment on the amendment and review process of Ordinance #84 to help identify and address impacts of short-term vacation rentals (STRs) in our residential communities. It is appreciated that the Board of Commissioners is seeking ways to achieve a balanced approach for community livability and future permitting of STRs.

Like other coastal communities in Tillamook County, Tierra Del Mar (TDM) is an active and involved community and home to many full-time, part-time, and seasonal residents. TDM, along with neighboring communities, exist today because generations of families spent decades building and developing a "community". Over the years, a handful of families may have rented out their beach properties in some manner or other, a practice that is part of the history for many coastal towns and communities, including TDM. However, the sharp increase in the number of properties being permitted and those being built specifically as full-time STRs, coupled with the increase of large capacity rentals and LLC organizations purchasing multiple properties, is new in the last few years, and understandably concerning for any community.

In TDM, and as a direct result of the STR permit moratorium adopted in July 2022, we watched the number of permitted STRs rise from 40 to 53. This increase means that 23% of homes in TDM are STRs, translating to approximately 1 in 4 homes, although the STR density varies from street to street.

In a recent survey of Tierra Del Mar Community Association members, 67% of respondents indicated they were concerned about the unregulated growth of STRs and 55% were in favor of a cap limit within the community. Our survey also showed that the number one concern for residents was community livability, followed closely by emergency response services (Sheriff's Office & Fire Dept), emergency preparedness (Tsunami evacuation, wildfires), and water resources/availability (TDM is serviced by a private water company). Adequate County resources for meaningful enforcement of STR regulations, emergency response services/preparedness, and water availability have been long-standing concerns for TDM property owners, and the number of STRs in our community directly impacts each of those concerns. Speeding and parking on our small narrow gravel roads were concerns also shared.

It is our hope that during the Ordinance #84 review discussion, the Board of Commissioners develop an approach that establishes growth management tools for STRs within each community. Growth management tools will help our residential neighborhoods continue to thrive and be places where people want to buy homes and live by ensuring that community livability is encouraged and preserved.

Furthermore, it is our understanding that as part of the ordinance review process, there may be proposals to begin working within the unincorporated communities to establish individual community caps on STRs. The Tierra Del Mar Community Association respectfully requests to be included in all outreach efforts from the County that allows an opportunity to invite TDM residents and property owners to discuss and share their input further.

Sincerely,

TIERRA DEL MAR COMMUNITY ASSOCIATION

www.tdmca.org

Lynn Tone

From: Public Comments
Sent: Thursday, July 6, 2023 7:34 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Vacation rentals

-----Original Message-----

From: Tiffany Brown <tdbrown1820@gmail.com>
Sent: Wednesday, July 5, 2023 8:43 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Vacation rentals

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good Evening,

We purchased a second home as a short term rental. Without the income we can't afford the mortgage of the home and without it being available as a short term rental we would not be able to sell it for what we bought it for.

We bought out home in June 2022 and called the county to check that we would be able to use it as a short term rental and was told if we chose to sell it there would be any issues with a new owner. This home is our first short term rental and we were nervous about jumping into a large investment and learning about the limitations Lincoln City put on their short term rentals. Tillamook county should have informed us they were in the process of making changes. We feel misled and the new changes could cause us to loose our second home.

I understand making changes or limitations for new permit holders but existing permit holders should not be put in a situation that could cause them to lose their homes.

Tiffany Brown

Sent from my iPhone

Lynn Tone

From: Public Comments
Sent: Thursday, July 6, 2023 7:35 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

-----Original Message-----

From: Kristie <kristie.carter.m@gmail.com>
Sent: Wednesday, July 5, 2023 4:36 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello,

Respectfully I'd like to put forth a public comment for STRs. I purchased land in Oceanside in July 2021 and worked toward obtaining a permit which I received December 2022. In the time between, I spent time designing and obtaining architecture plans, geo tech, geo survey and found a local building crew (awaited availability on their schedule) with intent to build. We had plans to use as a partial vacation home for our family and short term to provide a space for others to enjoy our home, and nearby beach.

We knew there would be risk once we heard of the pause that we might not be able to obtain a permit, however with the current consideration to those that received a building permit by July 2022, I'd like that you consider those that purchased land prior to July 2022 and are in the current phase of building to submit for permit as well.

We have expected occupancy November 2023.

Appreciate your time,

Kristie Carter

Lynn Tone

From: Public Comments
Sent: Thursday, July 6, 2023 11:12 AM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Ordinance #84 limiting short term rentals

From: Gary / Carla Albright <cgalbright@yahoo.com>
Sent: Thursday, July 6, 2023 10:28 AM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Ordinance #84 limiting short term rentals

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Dear Commissioners,

I am all in favor of limiting short term rentals! As someone who has several in our neighborhood, I would even like a complete moratorium on new licenses. We have had countless problems with parking, noise levels, too many people in a unit, too much garbage all over the streets, and unruly dogs and children. People drive much too fast on our dead-end road which is also concerning.

The Board of Realtors would like you to think STR are no problem and should be granted to anyone wanting a license. From personal experience, I can tell you this is not so. Please keep in mind that the Realtors want to sell properties that are too expensive to hold as a single owner occupied second home.

Thank you.

Carla Albright
15510 Lakeside Drive
Rockaway Beach OR 97136

Lynn Tone

From: Sarah Absher
Sent: Thursday, July 6, 2023 2:11 PM
To: Lynn Tone
Subject: Support for Ordinance 84 revisions

From: Candice & Gregory Miller <gandcm@gmail.com>
Sent: Monday, July 3, 2023 10:45 AM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Subject: EXTERNAL: Support for Ordinance 84 revisions

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My husband and I totally reject the comments submitted by the Tonkon Corporation and it's supporters. Please do not give in to their litigation lawsuit threats. This last ditch effort to intimidate the County and full-time residents is appalling and ridiculous. Why should absentee owners dictate how our communities are maintained and developed?

They appear to be placing all their arguments under the "land use" hat. We give the County and Commissioners our full support to approve the revised ordinance with better regulations, and hopefully, future cap limits on licenses.

Sincerely,

Candice & Gregory Miller
Neskowin, OR

--

Sent from Gmail Mobile

Lynn Tone

From: Public Comments
Sent: Thursday, July 6, 2023 2:31 PM
To: Lynn Tone; Sarah Absher; County Counsel
Subject: FW: EXTERNAL: Support for STRs

-----Original Message-----

From: Lisa Briand <lbriand@gmail.com>
Sent: Thursday, July 6, 2023 12:20 PM
To: Public Comments <publiccomments@co.tillamook.or.us>
Subject: EXTERNAL: Support for STRs

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We have sent comments in throughout this process. With this being the final hearing, please know we love our Netarts home and the ability to share the beauty of the Oregon coast with other families. We want to coexist. We want to be respectful. We want people to be neighborly. We want to pay our taxes and fees. We want to support local businesses. And we can do all of these things without the new proposals that make it very hard to own a STR in Tillamook county.

Respectfully,

Lisa and Alain Briand

Lisa Briand
Sent from my iPhone

Lynn Tone

From: Leslie Kay <leskayvida@gmail.com>
Sent: Wednesday, July 5, 2023 11:00 AM
To: Public Comments; Lynn Tone; dan@reevekearns.com; David Yamamoto; Erin Skaar; Mary Faith Bell; Sarah Absher
Subject: EXTERNAL: July 6 STR Ord 84 hearing: Object to proposed use it or lose it provision-Augusta Rule Hosts

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Dear Commissioners Yamamoto, Skaar, Bell and County Counsel Kearns,

We would like to register our objection to the proposed requirement that STR owners rent their property for 30 days per year to maintain their existing permit. This proposed requirement adversely affects homeowners like ourselves who rent no more than 14 days per year in compliance with the so called Federal "Augusta rule".

The rule is contained in the federal Internal Revenue Code at 26 USC 280A (g). The rule allows homeowners to rent out their home for up to 14 days per year without needing to report the rental income on their individual tax return. Correspondingly, no deductions for business expenses are permitted under this tax treatment of revenue from a short term rental. This subgroup of short term rental hosts are not operating their homes as a business but as very occasional short term rentals no more than 14 days per year. (1).

My husband and I have maintained a Tillamook County STR permit for several years paying the permit and operator fees and Tillamook County lodging taxes as required but have opted to rent our home for no more than 14 days per year to comply with Federal tax law. We urge the commissioners to reconsider this proposed 30 day durational rule to be consistent with federal tax law.

We would also like to see a compromise reached regarding the 30 day "use it or lose it" provision and other colorable legal issues raised by existing permit holders to avoid costly litigation related to the future impact of the proposed changes on preexisting rights. Please consider focusing on the aggregate occupancy days and not on the number of existing permits per se as a path forward.

The caps on future permits and other proposed measures to address livability concerns seem to otherwise strike a balance between competing interests. We appreciate how challenging the issues are and appreciate the work so many people have put into the effort to move this forward.

Sincerely,

Leslie Kay
Bob Joondeph
PO Box 253
Oceanside, OR 97134

26 USC 280A(g) (Augusta Rule)

1. Notwithstanding any other provision of this section or section 183, if a dwelling unit is used during the taxable year by the taxpayer as a residence and such dwelling unit is actually rented for less than 15 days during the taxable year, then—

280A(g)(1)

No deduction otherwise allowable under this chapter because of the rental use of such dwelling unit shall be allowed, and

280A(g)(2)

The income derived from such use for the taxable year shall not be included in the gross income of such taxpayer under section 61.